

Senate Engrossed House Bill

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 214
HOUSE BILL 2157

AN ACT

AMENDING SECTION 33-2401, ARIZONA REVISED STATUTES; RELATING TO ACCESS TO PRIVATE PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-2401, Arizona Revised Statutes, is amended to
3 read:

4 33-2401. Access to private property

5 A. Notwithstanding any other law, reasonable access to private
6 property shall not be denied by this state or any political subdivision of
7 this state.

8 B. IF AN OWNER'S PRIVATE PROPERTY IS SURROUNDED BY LAND OWNED BY
9 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, THE OWNER OF THE
10 PRIVATE PROPERTY MAY REQUEST A NONEXCLUSIVE RIGHT-OF-WAY FOR A TERM OF AT
11 LEAST THIRTY YEARS FROM THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS
12 STATE TO LEGALLY ACCESS THE OWNER'S PRIVATE PROPERTY AT THE OWNER'S
13 DISCRETION.

14 C. THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL
15 GRANT A NONEXCLUSIVE RIGHT-OF-WAY FOR A TERM OF AT LEAST THIRTY YEARS TO
16 THE OWNER OF PRIVATE PROPERTY IF THE GRANT OF THE RIGHT-OF-WAY IS FOR THE
17 PURPOSE OF PROVIDING LEGAL ACCESS TO THE OWNER'S PRIVATE PROPERTY TO WHICH
18 ACCESS ACROSS LAND OWNED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF
19 THIS STATE IS NECESSARY BECAUSE LAND OWNED BY THIS STATE OR ANY POLITICAL
20 SUBDIVISION OF THIS STATE SURROUNDS THE PRIVATE PROPERTY.

21 D. FOLLOWING REASONABLE CONSULTATION WITH THE OWNER OF THE PRIVATE
22 PROPERTY, THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL
23 DETERMINE THE APPROPRIATE LOCATION AND WIDTH OF THE RIGHT-OF-WAY TO BE
24 GRANTED AND MAY RELOCATE THE RIGHT-OF-WAY AFTER THE GRANT AT THE
25 DISCRETION OF THIS STATE OR THE POLITICAL SUBDIVISION OF THIS STATE.

26 E. IF THE RIGHT-OF-WAY HAS BEEN IN USE BY THE PRIVATE PROPERTY
27 OWNER AND NEW ROAD CONSTRUCTION IS NOT NECESSARY TO PROVIDE LEGAL ACCESS
28 TO THE PRIVATE PROPERTY, THIS STATE IS NOT REQUIRED TO COMPLY WITH
29 SECTIONS 41-861, 41-862 AND 41-864.

30 F. A RIGHT-OF-WAY GRANTED PURSUANT TO THIS SECTION SHALL BE GRANTED
31 ACCORDING TO THE CONSTITUTION AND LAWS OF THIS STATE AND THE RULES ADOPTED
32 BY A STATE AGENCY, AS APPLICABLE.

APPROVED BY THE GOVERNOR APRIL 28, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2017.

Passed the House February 21, 2017

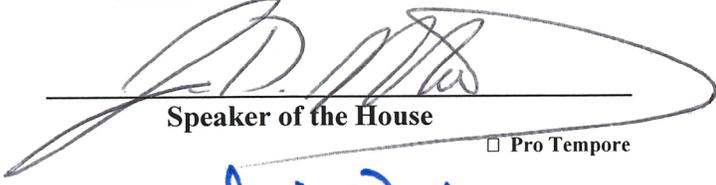
Passed the Senate March 20, 2017

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

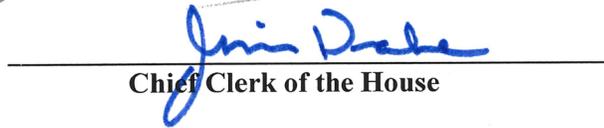
0 Nays, 1 Not Voting



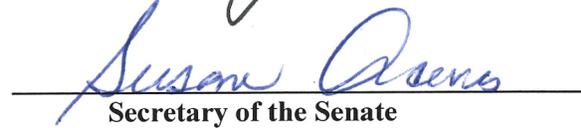
Speaker of the House
 Pro Tempore



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

~~This Bill received by the Governor this~~

~~_____ day of _____, 20_____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State~~

~~this _____ day of _____, 20_____~~

~~at _____ o'clock _____ M.~~

Secretary of State

H.B. 2157

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

_____ April 24 _____, 20 17,

by the following vote: _____ 51 _____ Ayes,

_____ 0 _____ Nays, _____ 8 _____ Not Voting 1 vacant

Speaker of the House
Jim Drake

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of April, 2017,

at 2:03 o'clock P. M.

Secretary to the Governor

Approved this _____ 28th _____ day of

_____ April _____, 20 17,

at _____ 2:07 o'clock _____ P. M.

Governor of Arizona

H.B. 2157

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 20 17,

at 4:43 o'clock _____ P. M.

Secretary of State